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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,459	02/01/2000	Hanna Abi-Saleh	9826-032-999	4881

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Pennie & Edmonds, LLP
3300 Hillview Avenue
Palo Alto, CA 94304

EXAMINER

FOSTER, JUSTIN B

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 11/24/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/495,459

Applicant(s)

ABI-SALEH ET AL.

Examiner

Justin Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "said test engine" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 7, 9, 11, 15, 17, 19 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Dobbs (6,039,426). With regard to claim 1, Dobbs discloses a method of generating a driver-test data structure with associated applications (column 2, lines 33-38). The office is interpreting a "data structure" to mean any organizational scheme applied to data so that operations can be performed on said data. As such, a printer driver inherently acts as a data structure. Dobbs further discloses processing said driver-test data structure to open said

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associated applications and documents (column 2, line 56) and thereby test said print driver (column 2, printing a defined test pattern, column 2, line 36).

3. With regard to claim 3, Dobbs discloses the invention as stated in claim 1. Dobbs further discloses, in lines 54-57 of column 2, the selection of an icon by a user that tells an application or printer driver to print the test pattern. An icon is inherently a graphical interface. The office is interpreting the meaning of "...to associate said applications and documents" as the use of an application program with a printer driver. Therefore, Dobbs anticipates all the limitations of the claimed invention as stated in claim 3.

4. With regard to claim 7, Dobbs discloses the invention as stated in claim 1. Dobbs' disclosure, in lines 54-57 of column 2, of using an application program to print a test pattern inherently prints each of said documents.

5. With regard to claim 9, Dobbs discloses a computer program product for testing a print driver in a computer system (processor 14, figure 1), the computer program product comprising a computer readable storage medium (memory 20, figure 1) and a computer program mechanism embedded therein (printer driver 16, figure 1), the computer program comprising instructions to automatically generate a driver-test data structure with associated applications and documents (column 2, lines 33-38). The office is interpreting a "data structure" to mean any organizational scheme applied to data so that operations can be performed on said data. As such, a printer driver inherently acts as a data structure. Said computer program product further comprises a test-engine to open associated applications and documents (column 2, lines 54-57) of said driver-test data structure to test said print driver (printing a defined test pattern, column 2, line 36).

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6. With regard to claim 11, Dobbs discloses the invention as stated in claim 9. The computer program product of Dobbs further discloses, in lines 54-57 of column 2, the selection of an icon by a user that tells an application or printer driver to print the test pattern. An icon is inherently a graphical interface. The office is interpreting the meaning of "...to associate said applications and documents" as the use of an application program with a printer driver.

Therefore, Dobbs anticipates all the limitations of the claimed invention as stated in claim 11.

7. With regard to claim 15, Dobbs discloses the invention as stated in claim 9. The computer program product of Dobbs discloses, in lines 54-57 of column 2, using an application program to print a test pattern. This inherently provides instructions to print each of said documents.

8. With regard to claim 17, Dobbs discloses a computer system for testing a print driver (processor 14, figure 1) comprising memory (memory 20, figure 1) to store instructions to automatically generate a driver-test data structure with associated applications and documents (column 2, lines 33-38). The office is interpreting a "data structure" to mean any organizational scheme applied to data so that operations can be performed on said data. As such, a printer driver inherently acts as a data structure. Said computer system further comprises a test-engine to open said associated applications and documents (column 2, lines 54-57) of said driver-test data structure to test said print driver (printing a defined test pattern, column 2, line 36).

9. With regard to claim 19, Dobbs discloses the invention as stated in claim 17. Dobbs further discloses, in lines 54-57 of column 2, the selection of an icon by a user that tells an application or printer driver to print the test pattern. An icon is inherently a graphical interface. The office is interpreting the meaning of "...to associate said applications and documents" as the

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use of an application program with a printer driver. Therefore, Dobbs anticipates all the limitations of the claimed invention as stated in claim 3.

10. With regard to claim 23, Dobbs discloses the invention as stated in claim 17. Dobbs' disclosure, in lines 54-57 of column 2, of using an application program to print a test pattern inherently constitutes instructions to print each of said documents.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbs in view of Spencer (5,713,032). With regard to claim 2, Dobbs discloses the invention as stated in claim 1. Dobbs does not disclose the selecting of one or more print options. Spencer discloses, in lines 43-46 of column 2, the optional selection of print options. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Dobbs to allow for the selection of one or more print options and the setting of said selected print options. The benefit of this modification would be to give the user more comprehensive printer driver test due to the increased flexibility of being able to select one or more print options when printing.

13. With regard to claim 10, Dobbs discloses the invention as stated in claim 9. Dobbs does not disclose the computer program product selecting one or more print options. Spencer

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discloses, in lines 43-46 of column 2, the optional selection of print options. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the computer program product of Dobbs to allow for the selection of one or more print options and the setting of said selected print options. The benefit of this modification would be to give the user more comprehensive printer driver test due to the increased flexibility of being able to select one or more print options when printing.

14. With regard to claim 18, Dobbs discloses the invention as stated in claim 17. Dobbs does not disclose instructions to select one or more print options associated with said driver as selected print options. Spencer discloses, in lines 43-46 of column 2, the optional selection of print options. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the computer program product of Dobbs to allow for the selection of one or more print options and the setting of said selected print options. The benefit of this modification would be to give the user more comprehensive printer driver test due to the increased flexibility of being able to select one or more print options when printing.

15. Claims 4, 5, 12, 14, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbs in view of Koppolu, *et al.* (6,268,924). With regard to claim 4, Dobbs discloses the invention as stated in claim 1. Dobbs does not disclose the inclusion of a spreadsheet to associate applications and documents. Koppolu discloses, in lines 59-63 of column 1, a registry database to associate documents and applications. Said registry database is functionally equivalent to the claimed spreadsheet. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Dobbs to include a spreadsheet to

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associate applications and documents. This would provide a convenient method of easily associating said applications and documents.

16. With regard to claim 5, Dobbs discloses the invention as stated in claim 1. Dobbs does not disclose registering one or more of said applications. Koppolu discloses, in lines 59-63 of column 1, a registry database to associate documents and applications. A registry database inherently registers the applications. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Dobbs to register one or more of said applications. This would provide a convenient method of easily associating said applications and documents.

17. With regard to claim 12, Dobbs discloses the invention as stated in claim 9. Dobbs does not disclose an edit known application procedure to register one or more of said applications. Koppolu discloses, in lines 59-63 of column 1, a registry database to associate documents and applications. Said registry database is functionally equivalent to the claimed edit known application procedure to register one or more of said applications. It would have been obvious to one of ordinary skill in the art at the time the invention was made for Dobbs to include a procedure to register applications. This would provide a convenient method of easily associating said applications and documents.

18. With regard to claim 14, Dobbs discloses the invention as stated in claim 9. Dobbs does not disclose instructions to provide a spreadsheet to associate said applications and documents. Koppolu discloses, in lines 59-63 of column 1, a registry database to associate documents and applications. A registry database inherently registers the applications. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of

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Dobbs to register one or more of said applications. This would provide a convenient method of easily associating said applications and documents.

19. With regard to claim 20, Dobbs discloses the invention as stated in claim 17. Dobbs does not disclose an edit known application procedure to register one or more of said applications.

Koppolu discloses, in lines 59-63 of column 1, a registry database to associate documents and applications. Said registry database is functionally equivalent to the claimed edit known application procedure to register one or more of said applications. It would have been obvious to one of ordinary skill in the art at the time the invention was made for Dobbs to include a procedure to register applications. This would provide a convenient method of easily associating said applications and documents.

20. With regard to claim 22, Dobbs discloses the invention as stated in claim 9. Dobbs does not disclose instructions to provide a spreadsheet to associate said applications and documents.

Koppolu discloses, in lines 59-63 of column 1, a registry database to associate documents and applications. A registry database inherently registers the applications. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Dobbs to register one or more of said applications. This would provide a convenient method of easily associating said applications and documents.

21. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbs in view of Weinberger, *et al.* (5,644,682) in further view of Allen, *et al.* (4,556,959) in further view of Mikkelsen, *et al.* (5,995,724). With regard to claim 6, Dobbs discloses the invention as stated in claim 1. The method of Dobbs does not disclose a computer system having a plurality of installed print drivers. Weinberger teaches, in lines 24-27 of column 4, a single machine having

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a plurality of print drivers installed. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Dobbs to include a computer system having a plurality of installed print drivers. This would allow the system to support one or more printers that might be attached to the computer. Dobbs further does not disclose automatically learning a plurality of print options to provide learned-controls. Allen teaches, in lines 44-49 of column 4, the sensing of printer options and the automatic setting of corresponding indicators. This is equivalent to automatically learning a plurality of print options. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Dobbs to automatically learn a plurality of print options. This would allow for the proper printing by the print driver when certain options need to be properly set. Dobbs further does not disclose providing a graphical user interface to set at least one of said plurality of print options to a predetermined value. Mikkelsen teaches, in lines 51-56 of column 4, providing a graphical user interface that enables a user to input values associated with the user programmable options of the printer driver. When a user inputs values associated with a printer driver, this inherently sets said options to a predetermined value. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Dobbs to provide a graphical user interface to set at least one of said plurality of print options to a predetermined value. This would properly set any needed print options and therefore allow for the printing to proceed. Dobbs discloses, in lines 54-57 of column 2, using an application program to print a test pattern. This implies opening associated applications and documents since applications must be opened before they can be used for printing and an associated document must be opened describing the test pattern.

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22. With regard to claim 21, Dobbs discloses the invention as stated in claim 1. Dobbs does not disclose a computer system having a plurality of installed print drivers. Weinberger teaches, in lines 24-27 of column 4, a single machine having a plurality of print drivers installed. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the computer system of Dobbs to have a plurality of installed print drivers. This would allow the system to support one or more printers that might be attached to the computer. Dobbs further does not disclose an auto-learn procedure to automatically identify a plurality of print options of one of the plurality of installed print drivers. Allen teaches, in lines 44-49 of column 4, the sensing of printer options and the automatic setting of corresponding indicators. This is equivalent to an auto-learn procedure to automatically identify a plurality of print options of one of the plurality of installed print drivers. It would have been obvious to one of ordinary skill in the art at the time the invention was made for Dobbs to include an auto-learn procedure to automatically identify a plurality of print options of one of the plurality of installed print drivers. This would allow for the proper printing by the print driver when certain options need to be properly set. Dobbs further does not disclose instructions to provide a graphical user interface to set at least one of said plurality of print options to a predetermined value. Mikkelsen teaches, in lines 51-56 of column 4, providing a graphical user interface that enables a user to input values associated with the user programmable options of the printer driver. When a user inputs values associated with a printer driver, this inherently sets said options to a predetermined value. It would have been obvious to one of ordinary skill in the art at the time the invention was made for Dobbs to include instructions providing a graphical user interface to set at least one of said plurality of print options to a predetermined value. This would properly set any needed print

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options and therefore allow for the printing to proceed. Dobbs discloses, in lines 54-57 of column 2, using an application program to print a test pattern. This implies selecting an installed print driver and opening associated applications and documents since applications must be opened before they can be used for printing and an associated document must be opened describing the test pattern.

23. Claims 8, 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbs in view of Dennis (5,337,258). With regard to claim 8, Dobbs discloses the invention as stated in claim 1. Dobbs does not disclose generating a log while executing a test engine. Dennis teaches, in lines 33-43 of column 4, the recording of execution times in a log file during printer testing. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Dobbs to generate a log while executing the test engine. This would allow the important information relevant to the printer testing to be stored for future use.

24. With regard to claim 16, Dobbs discloses the invention as stated in claim 9. Dobbs does not disclose instructions to generate a log while executing said test engine. Dennis teaches, in lines 33-43 of column 4, the recording of execution times in a log file during printer testing. It would have been obvious to one of ordinary skill in the art at the time the invention was made for Dobbs to include instructions to generate a log while executing the test engine. This would allow the important information relevant to the printer testing to be stored for future use.

25. With regard to claim 24, Dobbs discloses the invention as stated in claim 17. Dobbs does not disclose instructions to generate a log while executing said test engine. Dennis teaches, in lines 33-43 of column 4, the recording of execution times in a log file during printer testing. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made for Dobbs to include instructions to generate a log while executing the test engine. This would allow the important information relevant to the printer testing to be stored for future use.

26. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbs in view of Allen in further view of Mikkelsen. Dobbs discloses the invention as stated in claim 9. Dobbs does not disclose an auto-learn procedure to automatically identify a plurality of print options of an installed print driver. Allen teaches, in lines 44-49 of column 4, the sensing of printer options and the automatic setting of corresponding indicators. This is equivalent to an auto-learn procedure to automatically identify a plurality of print options of an installed print driver. It would have been obvious to one of ordinary skill in the art at the time the invention was made for Dobbs to include an auto-learn procedure to automatically identify a plurality of print options of an installed print driver. This would allow for the proper printing by the print driver when certain options need to be properly set. Dobbs further does not disclose instructions to provide a graphical user interface to set at least one of said plurality of print options to a predetermined value. Mikkelsen teaches, in lines 51-56 of column 4, providing a graphical user interface that enables a user to input values associated with the user programmable options of the printer driver. When a user inputs values associated with a printer driver, this inherently sets said options to a predetermined value. It would have been obvious to one of ordinary skill in the art at the time the invention was made for Dobbs to include instructions providing a graphical user interface to set at least one of said plurality of print options to a predetermined value. This would properly set any needed print options and therefore allow for the printing to proceed. Dobbs discloses, in lines 54-57 of column 2, using an application program to print a test pattern.

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This implies selecting an installed print driver and opening associated applications and documents since applications must be opened before they can be used for printing and an associated document must be opened describing the test pattern.

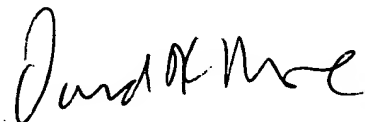
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Foster whose telephone number is (703)305-1900. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

JF



DAVID MOORE
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